THE HON'BLE Ms. JUSTICE G. ROHINI

WRIT PETITION NO.466 OF 2007

Dated: 30-07-2007

Between :

P. Viswanath … Petitioner

And

1. The Joint Collector, Ananthapur,
   Ananthapur District and others. .. Respondents

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ORDER :

The petitioner is the authorized dealer of fair price shop No.2 of Garladinne Village and Mandal of Ananthapur District. His authorization was suspended by the Revenue Divisional Officer, Ananthapur by order dated 14-11-2006 pending enquiry. Aggrieved by the same, the petitioner preferred an Appeal before the 1st respondent – Joint Collector – along with an application for stay. The 1st respondent while calling for the records from the Revenue Divisional Officer, Ananthapur, by order dated 12-12-2006 rejected the petitioner's application for stay holding that there are no substantive grounds to stay the operation of the order dated 14-11-2006. Hence, this writ petition seeking a declaration that the action of the 1st respondent in not granting stay pending appeal as arbitrary and illegal.

A counter-affidavit has been filed on behalf of the respondents stating that the appeal will be disposed of by the 1st respondent following due process of law.

Having heard the learned Counsel for both the parties, I do not find any justifiable reason to hold that the discretion exercised by the 1st respondent in declining to grant stay pending Appeal as arbitrary or illegal.

However, I deem it appropriate to dispose of the Writ Petition with a direction to the 1st respondent to dispose of the Appeal pending on his file, if not already disposed of, as expeditiously as possible preferably within a period of four weeks from the date of receipt of this order. No costs.

G. ROHINI, J.

Dt. 30-7-2007
gbs
Note:- CC by tomorrow.